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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/341,324	07/09/1999	TADAHARU KOGA	SONYJP-3.3-0	4994

530 7590 03/31/2003

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EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT PAPER NUMBER

2681

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/341,324

Applicant(s)  
Koga et al.

Examiner  
Joy Contee

Art Unit  
2681



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 9, 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 8, 26, and 28-45 is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-25, and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 6) ☐ Other:

Art Unit: 2681

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 12/17/02 fails to comply with 37 CAR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 4, 12, 13, 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention
4. Claims 3,4,12,13,21 and 22 recite the limitation "the same music material". There is insufficient antecedent basis for this limitation in the claim. Thus, the claims have not been examined based upon the merits.

### ***Claim Rejections - 35 USC § 102***

Art Unit: 2681

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1,2,5,6,and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Knox, U.S. Patent No. 6,212,359.

Regarding claims 1 and 2, Knox discloses a transmitting apparatus (and method for), comprising:

a plurality of audio channel material supplying means for supplying a plurality of audio broadcast materials of audio digital data (col. 2, line 66 to col. 3, line 13 and col. 5, lines 3-34);

data supplying means for supplying digital data for an audio information screen (e.g., see the receiver portion of the system in Fig. 3) corresponding to transmitted audio broadcast (col. 4, lines 10-15 and see Fig. 3);

download audio data supplying means (reads on demultiplexing, decrypting and decoding the digital audio signal and program information) for supplying download audio data compressed in a predetermined compressing format (col. 5, lines 3-7);

multiplexing means (reads on modulating means coupled to the input means for modulating the carrier signals) for multiplexing the audio digital data of the plurality of audio

Art Unit: 2681

broadcasts, the digital data for the audio information screen corresponding to the transmitted audio broadcast, and the download audio data (col. 4, lines 11-33 and col. 5, lines 7-11); and

transmitting means for transmitting the multiplexed data (col. 4, lines 10-15 and col. 5, lines 11-15).

Regarding claims 5,6 and 9, Knox discloses in addition to the limitations of claims 1 and 2, as discussed above, data demultiplexing means for demultiplexing the multiplexed signal into the audio digital data of the plurality of audio broadcasts, the digital data for the audio information screen corresponding to the transmitted audio broadcast, and the download audio data compressed in the predetermined format (col. 4, lines 1-15 and col. 5, lines 35-40); and means for selecting an audio broadcast of a music program corresponding to a music information selection command that is input on the display screen through input means (col. 7, line 63 to col. 8, line 14).

7. Claims 10, 11, 14-20, 23-25 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Saib et al. ("Saib"), U.S. Patent No. 6,230,322.

Regarding claims 10 and 11, Saib discloses a transmitting apparatus (and method for), comprising:

program broadcast material supplying means for supplying a video broadcast material composed of moving picture digital data and audio digital data corresponding thereto (col. 3, lines 49-51 and col. 4, line 63 to col. 5, line 30);

Art Unit: 2681

a plurality of audio channel material supplying means for supplying a plurality of audio broadcast materials of audio digital data (col. 2, lines 44-65 and col. 3, lines 49-51);

data supplying means for supplying digital data for an audio information screen corresponding to a transmitted audio broadcast (col. 3, lines 49-51 and col. 5, lines 1-15);

multiplexing means (inherently multiplexes the received digital bit stream from an satellite) for multiplexing the moving picture digital data of the video broadcast, the audio digital data corresponding thereto, the audio digital data of the plurality of audio broadcasts, the digital data for the audio information screen corresponding to the transmitted audio broadcast, and the download audio data (col. 5, lines 38-44); and

transmitting means (reads on video and audio output provided via digital satellite system service provider) for transmitting the multiplexed data (col. 3, lines 49-51 and col. 5, lines 40-44).

Regarding claims 14-18,23-25 and 27, Saib further discloses, in addition to the limitations of claims 10 and 11 as discussed above, data demultiplexing means (inherently demultiplexing is done within the demodulation process) for demultiplexing the multiplexed signal into the moving picture digital data of the video broadcast, the audio digital data corresponding thereto, the audio digital data of the plurality of audio broadcasts, and the digital data for the audio information screen corresponding to the transmitted audio broadcast (col. 3, lines 53-58); and means for selecting and audio broadcast of a music program corresponding to

Art Unit: 2681

a music information selection command that is input on the display screen through input means (col. 4, lines 65-67 to col. 5, line 15).

Regarding claims 19 and 20, Saib discloses a transmitting apparatus, comprising:

program broadcast material supplying means for supplying a video broadcast material composed of moving picture digital data and audio digital data corresponding thereto (col. 3, lines 49-51 and col. 4, line 63 to col. 5, line 30);

a plurality of audio channel material supplying means for supplying a plurality of audio broadcast materials of audio digital data (col. 2, lines 44-65 and col. 3, lines 49-51);

data supplying means for supplying digital data for an audio information screen corresponding to a transmitted audio broadcast (col. 3, lines 49-51 and col. 5, lines 1-15);

download data supplying means (reads on decompressing compressed video and audio output) for supplying download audio data compressed corresponding to a predetermined compressing format (col. 5, lines 33-37);

multiplexing means (inherently multiplexes the received digital bit stream from an satellite) for multiplexing the moving picture digital data of the video broadcast, the audio digital data corresponding thereto, the audio digital data of the plurality of audio broadcasts, the digital data for the audio information screen corresponding to the transmitted audio broadcast, and the download audio data (col. 5, lines 38-44); and

Art Unit: 2681

transmitting means (reads on video and audio output provided via digital satellite system service provider) for transmitting the multiplexed data (col. 3, lines 49-51 and col. 5, lines 40-44).

*Allowable Subject Matter*

8. Claims 7,9,26,28-45 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 7,9,26 and 36-45, prior art fails to explicitly disclose receiving means for receiving a signal of which audio digital data of a plurality of audio broadcasts, digital data for an audio information screen corresponding to a transmitted audio broadcast, and download audio data of audio data compressed in a predetermined compressing format have been multiplexed, data multiplexing mean in combination with storing means for storing the output download audio data, wherein when music information selection command is input on the display screen through said input means, and audio broadcast of a music program corresponding to the music information selection command is selected so as to allow the listener to listen to a demo of the music material.

Regarding claims 28-35, prior art of record does not explicitly disclose the details of the transmitting and receiving apparatus including the following: wherein in a receiving apparatus and information storing apparatus, which receives an audio signal corresponding to an audio broadcast and downloads audio data compressed in a predetermined format, wherein the receiving apparatus determines whether or not a device connected thereto is capable of inputting



Art Unit: 2681

the audio data compressed in the predetermined compressing format corresponding to the control signal that is input and output through said control signal input/output terminal.

*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Farris et al., U.S. Patent No. 6,029,064, discloses a mobile audio program selection system using public switched telephone network.

LaJoie et al., U.S. Patent No. 5,850, 218, discloses an interactive program guide.

Yamamoto et al., U.S. Patent No. 6,166,778, discloses a broadcast receiving apparatus.

Hendricks et al., U.S. Patent No. 6,515,680, discloses a set top terminal for television delivery system.

Pocock, U.S. Patent No. 6,314,577, discloses an apparatus and method to generate and access broadcast information.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K.Contee whose telephone number is (703) 308-0149, M-F, 5:30 a.m. to 2:00 p.m.

If attempts to reach the Examiner are unsuccessful, her supervisor, Dwayne Bost can be reached on (703)305-4778.

Art Unit: 2681

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)306-0377.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for formal communications intended for entry)

**Or:**

(703) 308-6306, (for informal or draft communications, please label

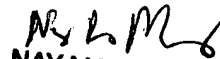
"PROPOSED" or "DRAFT")

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*



Joy K. Contee

March 18, 2003

  
NAY MAUNG  
PRIMARY EXAMINER